

ONEIDA COUNTY BOARD OF ADJUSTMENT – PUBLIC HEARING
MEETING SUMMARY
JANUARY 16, 2018

Vice-Chairman Guy Hansen called the meeting to order at 1:00 p.m. in accordance with the Wisconsin Open Meeting Law.

Roll call of Board members present: Ed Hammer, “here”; John Bloom, “here”; Guy Hansen, “here”; Phil Albert, “here”; and Norris Ross, “here”.

Members absent: Harland Lee

County staff members present: Pete Wegner, Assistant Zoning Director and Julie Petraitis, Program Assistant.

Other individuals present: See Sign in Sheet.

Vice-Chairman Guy Hansen stated that the meeting will be held in accordance with Wisconsin open meeting law and will be tape-recorded and sworn testimony will be transcribed. The Board of Adjustment asks that only one person speak at a time because of the difficulty in transcribing when several people are talking at once. The Board of Adjustment is made up of five regular members and two alternates (one at this time), with the alternate being present today, who will take part in the hearing and the deliberation. Anyone wishing to testify must identify themselves by name, address, and interest in the appeal and shall be placed under oath.

Vice-Chairman Hansen stated that the Board will hear testimony from the appellant/agent first and then the opposition. Following that, the appellant and opposition will have an opportunity for rebuttal and then closing statements. The public hearing will then be closed from further testimony. Consideration and additional questions can be asked by the Board members of the appellant or the opposition during deliberations. You may stay for the disposition of the appeal. Upon conclusion of the deliberation of the Board, the Vice-Chair will call for a motion and a second, and a roll call vote will be taken for the decision of the Board.

Vice-Chairman Guy Hansen swore in Pete Wegner, Assistant Director and Jesse Scheeler, appellant.

Secretary Phil Albert read the notice of public hearing for Appeal No.17-008 of Jesse Scheeler, owner, appealing the denial of a zoning permit to place a two-bedroom home and attached garage thirty-five feet from the lakebed/ordinary high water mark of Lake Creek Flowage. The property is located at 4985 Dead End Rd. further described as Section 29, T37N, R9E, part of Government Lot 1, PIN PL 596-21, Town of Pine Lake, Oneida

County, Wisconsin. These activities are contrary to the Oneida County Zoning and Shoreland Protection Ordinance, as amended May 21, 2017.

The Notice of Public Hearing was published in the Northwoods River News on January 2 and January 9, 2018. It was posted on the Courthouse bulletin board on December 28, 2017. Mr. Albert provided the proof of publication; and noted that the media was properly notified.

The Oneida County Board of Adjustment Rules of Procedure, Section 178.05(12), Chapter 17, Oneida County Code of Ordinance, provide that a timely appeal shall stay all proceedings and furtherance of the action appealed from, unless such stay would cause imminent peril to life or property.

The Board of Adjustment will conduct an onsite inspection of the property involved in this appeal beginning at approximately 10:00 am prior to the hearing. Pertinent property boundaries and locations of existing and proposed structures shall be clearly identified. A representative or the appellant must be present. The inspection shall be open to the public.

Copies of appeals and related documents are available for public inspection during normal business hours at the Planning and Zoning Office, Oneida County Courthouse, Rhinelander, WI 54501. The Oneida County Zoning and Shoreland Protection Ordinance is available on the Internet at <http://www.co.oneida.wi.gov/>.

Secretary Albert stated that all media outlets were notified of the public hearing and the onsite inspection was conducted at approximately 9:50 – 10:15 this morning. Owner, Jesse Scheeler was present. No other members of the public were present. All Board members, except Harland Lee and the addition of alternate member Ed Hammer were present. Diann Koshuta was also present with the Board of Adjustment members.

Observations by the Board: The property boundaries were adequately marked with orange flags. The highway/road right-of-way were not marked as it is a private road and does not apply. Well and sanitary facilities; there is a holding tank about ten (10) feet from the proposed site and there is no well located on the property. Outline of the proposed construction was marked with orange flags. The only existing two structures are a trailer with a deck in front of it and a storage shed. The proposed structure is measured anywhere between thirty-five and forty-five from the ordinary high water mark and would be approximately ten feet if located as proposed; ten feet from the left side boundary. In terms of the right-of-way, again not an issue because of a private road and also in terms of measuring to the centerline, the private road negates that need. In terms of erosion, because of snow cover there was no erosion that could be noted. Existing structures are just the trailer and the shed. Other observations were that because of the heavy snow cover it was difficult to identify where the high water mark and wetlands really were, but they were marked with green flags apparently by the DNR. It would

appear just by the vegetation that is apparent that the area in front of the proposed site would be heavily vegetated down to the high water mark. That concludes the observations at the site visit.

SWORN TESTIMONY-APPELLANT.

Jesse Scheeler began his testimony by stating that basically he is just looking to be able to put something on the land. He understands that he is too narrow to abide to the seventy-five foot setback off the lakebed; the land will not allow that. He is just looking to put something reasonably sized in there. The stated there is nothing he has to have as far as the house plan goes. What he is proposing would be ideal for his family and to be able to put something on the land to be able to use the land with a permanent structure. Mr. Scheeler obtained the property from his Dad. Mr. Scheeler addressed the hardship criteria of the appeal stating that it would be hard to adhere to the seventy-five foot setback as it would push him, literally, into the road and he wouldn't be able to do anything on the property.

Mr. Scheeler stated that some of his setbacks have increased from what he had on the Appeal Application because he didn't realize his property went further than he thought. Discussion was held on the actual setbacks since Mr. Scheeler realized his land went further than he originally thought.

Pete Wegner began his testimony by stating that he believes the lot was created in the 1950's. It's obvious that this is a lot with many restrictions based on the ordinary high water mark setback and lot line setbacks. If you were to grant a variance, it would be nice to have it measured to the eave; ten feet from the lot line to the north; and ten feet to the lot line to the west, just to get it back further from the ordinary high water mark. Somehow, alter it so he is at least forty feet from the edge of the ordinary high water mark. If you eliminate or reduce the covered entry and make the patio of a pervious type surface, so it's not a structure per say.

Motion by John Bloom, second by Ed Hammer to approve the appeal with a 24 x 30 cabin with 24x12 attached garage located ten feet from the north lot line and forty feet from the wetland/lakebed/OWHM. No patio allowed. On roll call vote:

Norris Ross: Nay

Phil Albert: Nay

Guy Hansen: Nay

John Bloom: Aye

Ed Hammer: Aye

The motion failed. Appeal #17-008 of Jesse Scheeler is denied.

Motion by Phil Albert, second by Norris Ross to delay the decision to January 23, 2018.
With all members present voting “aye”, the motion carried.

1:55 pm - The meeting was adjourned on a motion by Ed Hammer and second by Norris Ross; and all members voting aye.

Harland Lee, Chairman

Phil Albert, Secretary